

Notice of Allowability

Application No.

10/069,020

Examiner

Timothy J. Kugel

Applicant(s)

BLUM ET AL.

Art Unit

1712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed 14 August 2006.
2. ☒ The allowed claim(s) is/are 28-33 and 38-40.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. Claims 28-33 and 38-40 are pending as amended on 15 June 2006, claims 1-27 and 34-37 being cancelled.

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 15 June 2006 has been entered.

Claim Objections

3. Applicant's amendment canceling of claims 35-37, previously indicated as being allowable, and redrafting them in independent form as new claims 38-40 respectively, filed 15 June 2006, renders the previously cited objection moot.

The objection of claims 35-37 as being allowable but dependent on a rejected base claim has been withdrawn.

Double Patenting

4. Applicant's amendment, filed 15 June 2006, with respect to importing the limitation of claim 34, previously indicated as being allowable, into independent claim 28 has been fully considered and overcomes the claims of the cited related applications.

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The rejection of claims 28-33 under the judicially created doctrine of obviousness-type double patenting over claims 1-10 and 12 of US Patent 6,787,581 (Blum '581 hereinafter) has been withdrawn.

EXAMINER'S AMENDMENT

5. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Please change the title to:

Melt Coating Method using a Polyester Resin Composition

In the claims:

38. A process for the melt impregnation or melt coating of components, absorbent materials or primed and unprimed substrates comprising

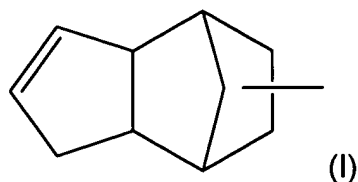
- (i) melting a hot-melt resin,
- (ii) applying the resulting resin onto and into the components, absorbent materials or primed or unprimed substrates,
- (iii) curing the applied resin melt by heat and/or actinic radiation, wherein the hot-melt resin comprises

A) at least one solid unsaturated polyester and

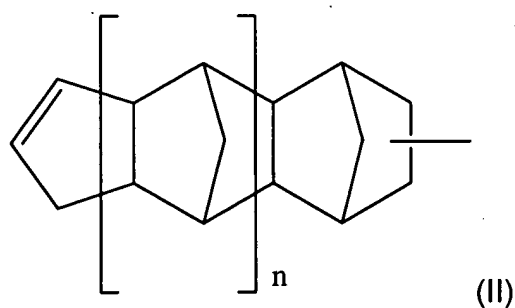
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B) at least on oligomeric and/or polymeric crosslinking agent which is copolymerizable with said polyester and which in respect to the oligomeric and/or polymeric main chain comprises at least one terminal and/or pendant isoprenyl group,

wherein at least one of the unsaturated polyesters (A) has at least one structural unit of the general formula I



and/or at least one structural unit of the general formula II



in which the index n is an integer from 1 to 10,

wherein the component (A) is different than component (B),

wherein the applied hot-melt resin is partially gelled (~~process step iv~~)

before process step (iii).

Allowable Subject Matter

6. Claims 28-33 and 38-40 are allowed.


Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Kugel whose telephone number is (571) 272-1460. The examiner can normally be reached 6:00 AM – 4:30 PM Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TJK
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TECHNOLOGY CENTER 1700